

From: [George Kaufman](#)
To: [List - City Council](#)
Cc: [Jaehee Yoon, AICP](#)
Subject: [EXTERNAL] ADD ON TO NOTE SENT SHORTLY AGO -- Outdoor Dining - City Council Meeting 11/18/25
Date: Monday, November 10, 2025 5:44:45 PM

EXTERNAL EMAIL: Do not click links or open attachments unless you trust the sender and know the content is safe.

Please note: regretfully, we will be out of town on a previously arranged trip on the above meeting date, and likely will not be able to join by Zoom either. We remain strongly interested in this issue, and our absence from this meeting should not suggest otherwise. We appreciate your attention to this matter. Thank you.

George Kaufman
Kathy Smith

From: George Kaufman <gakmanlaw@msn.com>
Sent: Monday, November 10, 2025 3:59 PM
To: City Manhattan Beach <citycouncil@manhattanbeach.gov>
Cc: Jaehee Yoon, AICP <jyoon@manhattanbeach.gov>
Subject: Outdoor Dining - City Council Meeting 11/18/25

Members of the City Council,

In reviewing the "Outdoor Dining Ordinance Amendment Draft Initial Study and Negative Declaration,"
the proposed ordinance amendment that jumped out at us as plainly objectionable, provides as follows:

"A.60.080. Outdoor facilities.C. Performance Standards. Outdoor facilities are subject to the following: (9.) ***Proposed Amendment to Outdoor dining above the ground floor shall not face or be located less than 15 feet away from residential uses.*** Noise mitigation measures, on file with the Community Development Department and updated from time to time, shall be incorporated into the outdoor dining area design. Outdoor dining balconies over the right-of-way are prohibited unless previously approved prior to this provision taking effect. Any such balconies shall not be expanded." (Emphasis added).

Concerning this proposed amendment, the "Evaluation of Environmental Impacts" section provides in pertinent part as follows:

"4.13 Excerpt (pp. 41-42): ***Noise... (a) Less than Significant Impact***The Project also includes codifying regulations for outdoor dining areas above the ground level on private property instead of requiring approval of a Use Permit, which is the current practice for

eligible parcels in Downtown. This is because there are a variety of noise sources subject to various transmission and attenuation factors for outdoor dining areas above the ground floor that could potentially affect nearby residences with additional noise sources generated. Each potential outdoor dining area above the ground floor would have different noise generation, transmission, and attenuation characteristics that are dependent on site-specific factors that are not known at this time. Additionally, each individual dining area may or may not have cause for noise concerns. Nonetheless, potential noise impacts associated with outdoor dining areas above the ground floor would be addressed by requiring implementation and adherence to the sound attenuation guidelines (see Appendix B) in MBMC Section 10.60.080.C.9/MBLCP Section A.60.080.C.9 (see Table 2 in Section 2.8 – Project Description). Outdoor Dining Ordinance Amendment City of Manhattan Beach 41 4 – Evaluation of Environmental Impacts Furthermore, the proposed Project related to outdoor dining regulations would limit excessive noise by regulating amplified music, live outdoor entertainment, and distance to residential uses, to name a few. (Refer to Tables 1, 2 and 3 in the Project Description section above for more information.) ***With the additional provisions in the proposed amendments, which would not conflict with the City's General Plan or Noise ordinance, outdoor dining and commercial vehicle loading activities would result in less impacts compared to existing regulations. Therefore, impacts would be less than significant.*** (Emphasis added).

Discussion:

Common sense dictates that above ground outdoor dining *15 feet* from a residence is inarguably a noise problem, and no purported sound mitigation will be able to overcome that problem. Recall for example, the lengthy proceedings concerning Shade and its Zinc lounge, which included noise issues raised by residents from the other side of Valley- Ardmore!

The argument is raised by this amendment's proponents that existing regulations are less restrictive than this amendment. However, this is essentially a red herring, because to our knowledge, the issue of second floor outdoor dining in close proximity to residences has not come up previously, and as such, did not require a published regulation. Now, as a result of the pandemic, outdoor dining has become more commonplace. Thus, by the same token, regulation that might not have previously been necessary must be implemented to keep pace. It is certainly not smart regulation to allow extreme results such as second floor dining 15 feet from residential uses.

In fact, as approved by the City Council on January 2, 2019, a *Use permit is required* for second floor dining. In addition, by a 4 to 1 vote, the council voted to *limit second floor dining to a specific area essentially confined to Manhattan Beach Boulevard, Highland Avenue and the Metlox parcel!*

In fact, while downtown is primarily residential, there are numerous restaurant locations downtown which are not proximate to residences. There is no need to open Pandora's box to allow second floor dining **throughout** the downtown, and certainly not 15 feet from residences, much less without a Use Permit requirement. (For example, as the Planning commission noted 10/9/24, Esperanza, which then successfully proposed second floor outdoor dining, and has no residences in proximity in any direction. In fact, it is in the specific limited area contemplated by the City Council in 2019).

The Negative Declaration's contention that the noise impacts of this amendment are "less than significant," and the amendment itself, should each be rejected.

Finally, we respectfully reiterate our objection raised in at least two planning commission hearings on this matter, to the participation in the Planning commission's consideration of this matter by Mr. Ungoco, who was a member of the Outdoor Dining Task Force, the recommendations of which were specifically at issue before and then approved by the Planning Commission, and which are now at issue before the City Council. We believe his participation materially affected the impartiality of the Planning Commission on this matter.

Thank you for your attention.

George Kaufman
Kathy Smith
Downtown Residents